

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

In Re: Atrium Medical Corp. C-Qur Mesh
Products Liability Litigation (MDL No. 2753)

MDL Docket No. 16-md-2753-LM
ALL CASES

PROCEDURAL ORDER

On July 21, 2020, the court held a status conference in this case via video. What follows is a summary of the issues discussed.

I. Pending Motions to Withdraw

Attorneys for the plaintiffs in Sandoval v. Atrium Medical Corporation, 19-cv-855, and in Barnett v. Atrium Medical Corporation, 19-cv-43, have moved for leave to withdraw from representation of their clients. The court is favorably inclined to grant the motions but wants to reach out to the plaintiffs before leaving them without counsel in this MDL. Attorney Orent, plaintiffs' lead counsel, has agreed to provide the court with up-to-date contact information for the plaintiffs in those cases. After receiving that information, the court will inquire of plaintiffs in those two cases whether plaintiffs intend to retain replacement counsel, proceed pro se, or abandon their claims. The court will then rule on the pending motions.

II. Mediation

In light of the ongoing pandemic and resulting continuance of the current trial date, the court advised the parties that they could mutually agree to extend the current August 3, 2020 deadline for mediation. The parties agree that additional time for mediation would be

productive. Accordingly, the court directs counsel for the parties to meet and confer regarding extension of the deadline for mediation of their dispute, and to advise the court as to how much time they will require.

III. Pending Motions in *Hickinbottom v. Atrium Medical Corporation*, 17-cv-713

Defendants' motion for summary judgment (doc. no. 85) is ripe for decision and unopposed in *Hickinbottom v. Atrium Medical Corporation*, 17-cv-713. Without objection from plaintiffs, that motion is granted. Accordingly, all other pending motions in that action (doc. nos. 83, 84, 87, 89, 91, 105)) are denied as moot. The clerk is directed to enter judgment and to close the case in *Hickinbottom*.

IV. Pending *Daubert* Motions in *Barron v. Atrium Medical Corporation*, 17-cv-742

Daubert motions addressing the opinions of the parties' medical experts (doc. nos. 88, 89, 90, 92, 96, 98, 100, 103) are ripe for decision in *Barron v. Atrium Medical Corporation*, 17-cv-742. The court will advise the parties if hearings will be necessary in connection with those motions.

The court will withhold a ruling on the pending Daubert motions concerning the parties' regulatory experts (doc. nos. 131, 132). Plaintiffs intend to file a further motion addressing regulatory issues that may shed light on document numbers 131 and 132.

V. Bellwether Trials

The parties have been unable to resolve their dispute over the order of bellwether trials. A future video hearing is scheduled on this question for July 28, 2020 at 11:15 a.m. At that

hearing, lead counsel for plaintiffs will present arguments as to which of two cases selected by plaintiffs should be given priority, and counsel for the defendants will present arguments as to which case selected by defendants should be tried first.

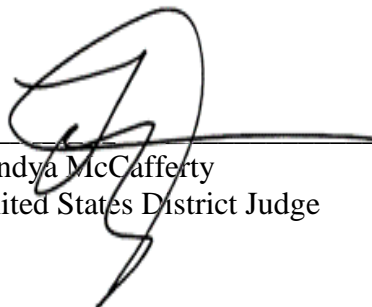
VI. Trial Logistics

The court encourages counsel to confer with their clients and with each other regarding the possibility of conducting jury trials (or resolving disputed evidentiary questions) via videoconferencing technology.

VII. State Court Cases

Attorney James Matthews, state-court liaison counsel, reported that the related cases pending in state court have been settled. The terms of the settlement are confidential. Attorney Matthews intends to file an assented-to request to withdraw as state-court liaison counsel in this MDL.

SO ORDERED.



Landya McCafferty
United States District Judge

July 21, 2020

cc: Counsel of Record